

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 7, 2003**

The Tippecanoe County Commissioners met on Monday, April 7, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Shedd moved to approve the minutes of the March 11, 2003 Special Joint Meeting with the Council and Financial Consultant and the March 17, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers for the periods ending March 21, 2003, March 28, 2003, April 4, 2003, and April 7, 2003 as submitted, seconded by Commissioner Shedd; motion carried.

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Mr. Habben reported:

- General construction and the new jail pod are complete.
- The Sheriff's staff is moving equipment into the new pod.
- Video Visitation equipment is being installed as it is received. He expects the installation will be complete in the next two to three weeks.
- The inmates will be moved into the new pod in the very near future.

Mr. Habben presented the Commissioners with a glass plate commemorating the jail addition from Kettlehut Construction and Schenkel Schultz, the architect.

Commissioner Knochel announced that Charlie Goodman, the lead architect on the jail expansion, was recently called to active duty for Operation Iraqi Freedom.

HIGHWAY: Executive Director Mark Albers

BIDS OPENED: 2003 Bituminous Materials and Dust Control Material: Attorney Dave Luhman

Dust Control

Asphalt Materials, Inc.	Bid Bond	
Option A	County Storage	\$123.00 per ton
Option B	Vendor Storage	\$125.40 per ton
Option C	Job site Storage	\$127.80 per ton

Bituminous Materials

Rieth-Riley Construction Co., Inc.	Bid Bond	Various prices
Milestone Contractors, L.P.	Bid Bond	Various prices

- Upon the recommendations of Mr. Albers and Attorney Luhman, Commissioner Shedd moved to take the bids under advisement, seconded by Commissioner Knochel; motion carried.

DESIGN APPROVAL: CR 430 S

Mr. Albers requested the Commissioners' approval for the design of the reconstruction of CR 430 S between South 18th and South 9th Streets that will begin at the end of the current school year. Bids for the estimated \$1 million project will be opened at the Commissioners' April 21, 2003 meeting. He said CR 350 S will be the designated detour during the construction.

- Commissioner Shedd moved to approve the design for the reconstruction of CR 430 S, seconded by Commissioner Knochel; motion carried.

CONSTRUCTION MAINTENANCE BOND

- Commissioner Shedd moved to approve 3 year Construction Maintenance Bond #400SH0450 for Atlas Excavating, Inc. in the amount of \$5,000 for a driveway entrance off McCormick Road for the Copper Beach lift station, seconded by Commissioner Knochel; motion carried.

STREET ACCEPTANCE: Colony Pines, Sec. 1
LETTER OF CREDIT #240: Colony Pines LLC

Mr. Albers recommended acceptance of the following streets located in Colony Pines SD, Sec. 1:

Ellison Drive 1,358.32' Asphalt
 Cal Drive 1,036.70' Asphalt

- Commissioner Shedd moved to accept the Streets in Colony Pines SD, Sec. 1 as presented into the County Highway System and three (3) year Letter of Credit #240 in the amount of \$40,130.90 for Colony Pines LLC, seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- Central Insurance Company for Laser Enterprises Inc
- Erie Insurance Group for Stamp It Concrete, Greg D Depew D/B/A
- Cincinnati Insurance Company, Cincinnati Casualty Company for J.E. Mechanical, Inc
- General Casualty Insurance Co for Citation Homes, Inc
- Cincinnati Insurance Co, Assigned Risk for A & K Construction Inc
- Burns & Wilcox Ltd., Cincinnati Insurance Companies, Izzo for Denney Excavating, Inc
- Liberty Mutual Insurance Co for Beazer Homes USA, Inc. and Subsidiaries
- FCCI Insurance Group, A.I.G., Ohio Casualty Group for Adams Hearth & Home, LLC dba Godby Hearth & Home
- Hastings Mutual Insurance Company for Hack Excavating Inc
- Harleysville Lake State Ins for Patrick E Richard
- St. Paul Insurance Companies for Watson's of Indianapolis, Inc
- Cincinnati Insurance Co, Accident Fund Ins Co of Amer for Hallmark Homes Inc
- Northland Insurance Comp for Nelson Bros. Mobile Home Transport, LLC
- Hastings Mutual Insurance Company for TNT Concrete Inc
- Indiana Insurance Group for Dahnke Building Services Inc
- Indiana Insurance Company for W.H. Long Enterprises, Inc
- Gulf Insurance Group, Cincinnati Insurance Companies, American Home Assurance for Denney Excavating, Inc
- Cincinnati Insurance, Accident Fund for Christopher A Brown DBA Chris Brown Construction Co
- Indiana Insurance Group, Cincinnati Insurance Co for Bruce Gunstra Builders Inc
- Cincinnati Insurance Co, Accident Fund Company for Purdy Concrete Inc

DUST CONTROL PROGRAM UPDATE

Due to rising costs, no free application of dust control materials will be offered for property owners located on

gravel roads in 2003. Last year, the County spent approximately \$110,000 applying the first 400 feet of materials and property owners paid a per linear foot charge for any surface over that amount. This year the Highway Department will take orders for a minimum 400 feet of the application at a per linear foot charge that will be determined from today's bid costs.

Commissioner Benson asked Mr. Albers to address the intersection of CR 800 S and CR 700 W where two accidents recently occurred within 10 days of each other. Mr. Albers responded that stop signs as well as stop ahead signs were already in place on CR 800 S but they will be upgraded to signs with a higher grade reflective material. A stop sign with the higher grade reflective material will be added to the left side of CR 800 S as well. Mr. Albers pointed out that this intersection does not have a history of frequent accidents and both recent accidents occurred during daylight hours.

ORDINANCE 2003-14-CM: Z-2114, Daniel C. & Beth Ann Terry I3 to R1

Ordinance 2003-10-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-14-CM, seconded by Commissioner Knochel; motion carried.

(quote)

March 20, 2003
Ref. No.: 03-155

Tippecanoe County Commissioners
20 North Third Street
Lafayette, IN 47904

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2114-DANIEL C. & BETH ANN TERRY (I3 TO R1):** Petitioners
are requesting rezoning of a 0.39 acre section of the "flagpole" portion of
lots 1, 2, and 3 of Terry Minor Subdivision, Fairfield 36 (NE) 23-4.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 19, 2003, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from I3 TO R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their April 7, 2003 regular meeting.

Sincerely,
/s/Sallie Dell Fahey
Secretary Pro Tempore

(unquote)

Representing the petitioner, Attorney Dan Teder requested a zoning change from I3 to R1 for a 60 foot sliver of land to complete the subdivision process for the lots in question. He is not aware of any objections to this rezone.

There being no further comments, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- Ordinance 2003-14-CM passed 3 – 0.

DISCUSSION: Complaint of McCutcheon High School Students Parking at Stratford Glen SD

President Benson reported that she, Attorney Luhman, Sheriff Anderson, Highway Director Albers, and Tippecanoe School Corporation Administrators met with Stratford Glen Subdivision residents in February to hear their concerns regarding McCutcheon High School students who are parking in the entrance to the Subdivision. In addition to impairing sight vision when exiting the Subdivision, their vehicles are crowding the entrance and could make it difficult for school buses and emergency vehicles to enter.

After researching the problem Highway Executive Director Albers offered the following options that will be enforced by complaint to the Sheriff:

- Time restriction: M-F, 9:00 A.M. to 11:00 A.M.
- Annual permit: issue 2 per residence at a cost. Administrative costs will be associated with this option.

Sheriff Anderson preferred the first option with time restricted to regular school hours but said they may also need to list afternoon hours since some students work mornings.

Mr. Albers recommended including wording in an ordinance that will include other subdivisions in the immediate area of the school. Commissioner Shedd thought the ordinance should be effective county-wide so Harrison High School will be included. Mr. Albers said service and delivery vehicles will be exempted from the ordinance. He doesn't think either option will present a problem for subdivision residents because it will be a complaint based call to the Sheriff.

Commissioner Knochel suggested taking these proposals under advisement and considering an ordinance at the May 5th meeting. He said this will give the Commissioners time to receive input from the public.

HIPPA: Human Resources Director Frank Cederquist

Mr. Cederquist explained that, in 1966, Congress passed the Health Insurance Portability and Accountability Act (HIPAA) to:

- Protect and enhance rights of consumers by providing them access to their health information and controlling the inappropriate use of that information.
- Improve the quality of health care in the United States by restoring trust in the health care system.
- Improve the efficiency and effectiveness of the health care delivery system.

He said health information linked to an individual is protected because of HIPAA and asked the Commissioners to approve amendments to our health care plan to comply with HIPAA requirements.

Attorney Luhman explained there are four parts to the document the Commissioners are being asked to approve:

- Amendment to the Health Plan
 - County policies and procedures regarding use of personal identifiable health information
 - Business associates contracts
 - Privacy Notice regarding protected health information
- Commissioner Shedd moved to approve the Health Plan amendment, the County's Policies and Procedures, Business Associates contract and the Privacy Notice for HIPAA, seconded by Commissioner Knochel; motion carried.

COURT SERVICES: Director Cindy Houseman

Mrs. Houseman requested the creation of a new Case Manager position due to increased caseloads for the three current Case Managers. The Case Manager is responsible for conducting the Levels of Service Inventory (LSI) evaluation, an interview to determine the needs of the client to reduce their chance of recommitting another crime. There are adequate User Fees to pay for this additional position.

- Commissioner Shedd moved to approve the new Case Manager position, seconded by Commissioner

Knochel; motion carried.

EASEMENT REQUEST: Jeffrey Jewell

Attorney Luhman explained the County acquired this small parcel of property by Tax Sale in 1978. Because there was a pre-existing drive through this property that served homeowners, the Commissioners granted an easement in 1981 to one of the homeowners so he could continue to use the drive. Mr. McGlone's client is an adjacent property owner and is requesting an easement so he can also use this drive for access to his property.

Representing Jeffrey Jewell, Attorney Jim McGlone requested an easement through the 1/10 of an acre owned by the County that is a private roadway.

Commissioner Shedd thought the County should sell this small piece of property to the petitioner, but Mr. Luhman explained that the petitioner has no interest in purchasing the land. He said if the property were sold it would still be subject to the easement which makes it unmarketable because the owner could do nothing with it. Mr. McGlone said the grantees of the easement will continue to maintain the road.

- Commissioner Knochel moved to grant the easement request, seconded by Commissioner Shedd; motion carried.

PROFESSIONAL SERVICES AGREEMENT: Juvenile Detention Facility Feasibility Study

Connie Basham, County Councilmember and President of the Tippecanoe County Juvenile Justice Commission, appeared to express their displeasure with the selection of Huskey & Associates to conduct a feasibility study for a Juvenile Detention Facility. Considering that the cost and the amount of time to conduct the study were significantly more for Huskey & Associates, the Juvenile Justice Commission thinks their first choice, Mike McMillen, should have been chosen. Councilmember Basham said there are concerns regarding Mrs. Huskey's availability to the County and the time it is taking to approve a contract especially since the Juvenile Justice Commission finalized their recommendation to the County Commissioners in October 2002. On behalf of the Juvenile Justice Commission she requested the Commissioners decline to award the contract to Huskey & Associates.

Commissioner Knochel responded that the length of time for approving a contract with Huskey has not been unusual. He cited the Parking Garage and Jail expansion as examples of projects for which the Commissioners took a considerable amount of time to choose architects. He also said the delay in approving a contract is not entirely Huskey's fault since the Commissioners have returned the contract more than once for adjustments.

Kathy Timberlake, representative for Juvenile Judge Loretta Rush, stated the Judge supports the statements made by Councilmember Basham today.

President Benson stated she has been assured by Mrs. Huskey that she will personally be available to Tippecanoe County when her calendar is cleared. She was here last Friday, April 4th, to meet with Ms Timberlake and others.

Attorney Luhman explained that Huskey & Associates was selected subject to approving a final agreement. The agreement brought for approval today includes requested modifications by the Commissioners. Some of the modifications addressed concerns of Judge Rush and the Juvenile Justice Commission. If Huskey doesn't perform the provisions of the agreement, the Commissioners can terminate it.

- Commissioner Shedd moved to approve the Professional Services Agreement with Huskey & Associates, Inc. to conduct a Feasibility Study for a Juvenile Detention Facility, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-13-CM: Appointing Homeland Security Director

Attorney Luhman read Resolution 2003-13-CM appointing Emergency Management Director Steve Wettschurack as Homeland Security Director for Tippecanoe County. The Resolution will appear in its entirety in the

Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Resolution 2003-13-CM, seconded by Commissioner Knochel; motion carried.

AGREEMENT FOR RIGHT OF ENTRY: High Point Oil Company, Inc.

Attorney Luhman explained High Point Oil Co. is doing an environmental assessment of the Four Boys Manner property located on Teal Road and is requesting permission to extend this assessment to the Tippecanoe County Fairgrounds located across the road from the site. They want to make sure no environmental degradation flowed under Teal Road to the Fairgrounds. They agree to restore the property to the condition it was prior to the assessment, hold the Commissioners harmless, and pay any associated costs.

- Commissioner Shedd moved to approve the Agreement for Right of Entry to the Fairgrounds property, seconded by Commissioner Knochel; motion carried.

DRAIN EASEMENT ASSIGNMENT

The Commissioners received a request from Fisher and Associates to assign a drainage easement to the Tippecanoe County Drainage Board.

Attorney Luhman explained that a drainage easement was created south of CR 350 S at Valley Lakes SD during the reconstruction of CR 350 S and Kirkpatrick Ditch and titled in the name of the Board of Commissioners. The Drainage Board approved a reduction of a portion of that easement (25' on the west side) subject to the Commissioners assigning the easement to the Drainage Board.

- Commissioner Shedd moved to approve the assignment to the Tippecanoe County Drainage Board, seconded by Commissioner Knochel; motion carried.

UNFINISHED/NEW BUSINESS

JAMS GRANT: Cary Home Director Rebecca Humphrey

Mrs. Humphrey requested signatures from President Benson and Auditor Plantenga on the Grant Award Letter for a Juvenile Justice Formula Grant in the amount of \$37,700 for the JAMS Juvenile Alternative Management Sessions) Program effective April 1, 2003 through March 31, 2004. She reported a \$25,000 grant from the DFC (Division of Family & Children) Preventative Fund will also be used for JAMS.

Grant Coordinator Jessica Rebmman reviewed new procedures for grant recipients following a meeting with the State Board of Accounts:

- Keep an accurate record fund activity.
- Be accompanied by Mrs. Rebmman when setting up a new fund in the Auditor's Office.
- Forward a copy of the grant quarterly report to Mrs. Rebmman.
- Commissioner Shedd moved to approve the Juvenile Justice Formula Grant for the JAMS Program and authorize the President to sign, seconded by Commissioner Knochel; motion carried.

SPECIAL PURCHASE & REIMBURSEMENT POLICY DISCUSSION

Commissioners' Assistant Weston explained the current Purchasing and Travel Policies do not address the issue of reimbursement for special purchases nor the procedure to get any type of reimbursement. She suggested seeking input of this draft policy from department heads at their next meeting and then possibly establishing a policy by ordinance to satisfy the State Board of Accounts.

Commissioner Knochel expressed his concerns on two items in the draft:

- He thinks the statement that the purchase of refreshments and related supplies will be consumed solely by guests is unreasonable.
- He suggested changing shall not exceed \$1 to \$2 per person to shall be kept to a minimum.

REASSESSMENT UPDATE: County Assessor Nancy Moore

Mrs. Moore reported the County Assessor and Wea Township Assessor will mail Reassessment notices dated April 11, 2003. Fairfield and Wabash Township notices will be mailed before the end of the month. She said values are higher than the past assessment but tax rates will be lower and Homestead Credit increased for owner occupied property. She encouraged taxpayers not to panic but to ask themselves if the assessed value is what their property is worth. The form will only have the value so taxpayers may call their Assessor if they are unsure what is included in their assessment. She noted the Assessor will not be able to tell them the amount of their bill.

Auditor Plantenga said we could experience a delay in receiving our tax rates because of our cross-county units. Otterbein is in the Benton School Corporation and the Solid Waste District is in both Tippecanoe and Clinton Counties.

HIGHWAY resumed

STREET ACCEPTANCE: Sagamore Pines, Sec. 2
LETTER OF CREDIT #240: Colony Pines LLC

Omitted during his earlier appearance, Mr. Albers recommended acceptance of the following streets located in Colony Pines SD, Sec. 1:

Halyard Court	861.90'	Asphalt
Ellison Drive	165.74'	Asphalt
Owasco Lane	158.40'	Asphalt

- Commissioner Shedd moved to accept the Streets in Sagamore Pines SD, Sec 2 as presented into the County Highway System and three (3) year Letter of Credit #240 in the amount of \$40,130.90 for Colony Pines LLC, seconded by Commissioner Knochel; motion carried.

REPORTS

Reports from the Tippecanoe County Library, Veterans Affairs, Treasurer, and Mail & Duplicating are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor